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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/522,085	03/10/2000	Douglas S. Foote	9137.00	5683

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EXAMINER

POINVIL, FRANTZY

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/522,085	FOOTE ET AL.	
	Examiner	Art Unit	
	Frantzy Poinvil	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 15, 17-23 and 25-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 15, 17-23 and 25-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 5/2/2006 have been fully considered but they are not persuasive.

Claim Objections

2. Claim 25 is objected to because of the following informalities:
Claim 25, improperly depends on a canceled claim.
Appropriate correction is required.

Response to Applicant's arguments:

3. Applicant's representative argues that the identifying step is not shown in Suer et al. In response, the Examiner disagrees because in the system of Suer et al, Suer et al did not claim to invent an automatic transaction machine (ATM). Instead, Suer et al improves functions to be used in conjunction with an ATM. By so doing, Suer et al inherently identify ATM's not having the capability to receive signals from a portable device. This is why Suer et al state in order for the portable device to communicate with an ATM or similar terminals, "An IR adapter may plugged into the terminal unit's serial, parallel, Universal Serial Bus (USB) or IrDA port to receive data from the device" see column 4, lines 24-38 of Suer et al.

Applicant's representative then argues that Suer et al do not teach or suggest modifying the ATM to receive from a wireless device user commands for dispensing cash.

In response, the Examiner again disagrees with the applicant's assertion. What is not stated in Suer et al is simply the word "modify" or "modifying". One of ordinary skill in the art is presumed to realize that by adding an IR adapter to enable a remote and wireless communication between the portable device and an ATM, that this is an obvious function of modifying the ATM not having that previous function of enabling wireless communications.

Applicant's representative then argues that the problem with the Examiner's rationale in the prior Office action is that an unmodified ATM should have been present or should have been discussed by Suer et al and that no unmodified ATM is found in Suer et al.

In response, Suer et al disclose providing an IR adapter to an ATM or terminal. to do so, that ATM was not modified and by adding the IR adapter, the ATM or terminal then becomes a modified ATM being adapted to receive wireless communications for performing financial and banking transactions such as withdrawal and funds transfers. See column 6, lines 49-55 of Suer et al.

Applicant's representative then argues that Suer et al do not teach a wireless telephone user commands and that the Examiner's assertion that wireless devices include PDA's, cell phones and wireless phone is incorrect.

In response, applicant's comment that a wireless telephone is not a wireless device is not convincing. Wireless devices are devices that enable or that have the capability of performing communications with other devices or similar devices using non-direct or non-connected communications of wires or cables. Suer et al teach using IR adapters and transceivers and receivers. These are certainly wireless communications. Thus, applicant's comment is not persuasive.

Applicant's representative then concludes that because Suer et al state that an IR adapter may be plugged into the ATM's serial, parallel, USB or IrDA port, and therefore, Suer et al use the PDA as a wireless keyboard for the ATM.

It is unclear as to how the applicant is making such an assertion. The portable device described by Suer et al already includes a keyboard and special dedicated keys to perform specific functions. It is unclear as to why Suer et al would desire to go to the trouble of providing a wireless keyboard to perform the same functions that are already enabled in their portable device. Applicant's representative does not show where in Suer et al that such is suggested or taught. Applicant's further comments that no expectation of success has been shown as to how a wireless telephone can be used to issue signals to Suer's et al ATM is also not a sound statement.

Furthermore, it should be noted that the Examiner had never indicated that Suer et al teach a wireless telephone. The Examiner had stated that wireless devices include PDA'S and cell phones and wireless phones, and it would have been obvious to one of ordinary skill in the art at the time the invention was made to also include a wireless

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telephone device in the system of Suer et al in order to attract many types of users or customers having different types of portable devices.

Furthermore, it is noted that the type of wireless devices being used therein is only one of plurality of type of wireless devices that would not affect the system of Suer et al since such would be merely used for the purpose of facilitating wireless communication with a terminal or ATM.

Applicant's representative then argues that Suer et al show a wireless device which engages in direct IR communication with an ATM and that such a device is not a generic class of devices which includes wireless telephones and concludes that Suer et al do not teach or suggest cellular telephones being engaged in direct communication with an ATM.

In response, the Examiner has never indicated that Suer et al teach a wireless telephone. The Examiner had indicated that Suer et al clearly teach a portable device communicating with an ATM or terminal or point of sales using wireless communications, and that providing a wireless telephone therein as an alternate wireless device would have been obvious to the one of ordinary skill in the art. It should be noted that the applicant is presumed to know more than what is disclosed in the prior art and the fact remains that wireless communications using cellular phones were well known in the art at the time of the applicant's invention. Thus, furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to also provide a wireless telephone in the system of Suer et al in order to provide a more flexible system adapted to receive a plurality of types of wireless devices.

The prior Office action is repeated below.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 and 15, 17-23 and 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suer et al. (US Patent No. 6,431,439).

As per claims 1-3, 8, 15, 17-18, 20-23 and 25-29 Suer et al disclose a system and method for enabling the electronic capture and storage of financial transactions. See the abstract. In so doing, Suer et al substantially teach the claimed invention. Suer et al disclose a user having an electronic portable device such as a personal digital assistant (PDA) for running various types of financial software(s) for conducting financial transactions with an ATM, point of sales (POS) and other merchant computers. See column 3, line 54 to column 4, line 9 of Suer et al. Suer et al state that “the device may comprise a transceiver, e.g., such as an infrared (IR) transceiver, for wireless communication between the device and a terminal unit, such as a personal computer, an ATM, or a terminal at a merchant's site. An IR adapter may be plugged into the terminal unit's serial, parallel, Universal Serial Bus (USB), or IrDA port to receive data from the device. “ See column 4, lines 29-37 of Suer et al. Suer et al further state on column 6, lines 49-55 that “the user may enter ATM transaction information, such as a personal identification number (PIN) and

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a transaction amount, into the device 10 and transmit the information from the device 10 to the ATM 20 so that the user may perform ATM functions (e.g., withdraw money, transfer money between accounts, and deposit money) using the device 10". From these descriptions, it is clearly seen that Suer et al disclose a method comprising an ATM which has a screen for displaying options for withdrawing cash and a touch input mechanism for receiving user commands, and modifying the ATM to enable it to receive from a wireless device user commands for dispensing cash. Most ATM's are connected within a network. Suer et al do not explicitly state the portable device is a wireless telephone. The Examiner asserts that the device of Suer et al is a wireless device and that wireless devices include PDA's and cell phones and wireless phones. It would have been obvious to one of ordinary skill in the art at the time the invention was made to also include a wireless telephone device in the system of Suer et al in order to attract many types of users or customers having different types of portable devices. Furthermore, it is noted that the type of wireless devices being used therein would not affect the system of Suer et al since such is merely used for the purpose of facilitating wireless communication with another terminal.

As per claim 4, Suer et al teach the transceiver is further adapted to transmit signals directly to the portable device. See column 6, lines 44-47 where it is stated that "The device 10 may communicate various financial transaction data to and receive similar data from each of these terminal units".

As per claim 5, Suer et al teach the signals implement local wireless communication. See column 9, lines 29-46.

As per claim 6, most ATM's are connected in a network for enabling the checking of funds in a bank associated with the user. See also column 16, lines 25-37.

As per claim 7, see the above analysis, and column 16, lines 25-37 and column 10, lines 42-63 of Suer et al.

As per claim 19, claim 19 contain features recited in claim 1 using different language. These features are likewise rejected. It should be noted that the self-service terminal is similar to a POS described in the system of Suer et al. The POS of Suer et al includes means for transmitting/receiving financial transactions to/from a wireless device. The claimed authorized source is similar to a user or authorized source of the wireless device. The claimed external source is similar to the wireless device.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (571) 272-6797. The examiner can normally be reached on Monday-Thursday from 6:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Sough can be reached on (571) 272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Frantzy Poinvil
Primary Examiner
Art Unit 3628

July 12, 2006